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The McNamara Case: A Window on Class Antagonism in the Progressive Era

by *Herbert Shapiro*

THE BASIC FACTS REGARDING the McNamara case, the prosecution in 1911 of two trade unionists on charges of dynamiting the Los Angeles *Times* building, have long been established. We know of the jolting conclusion of this episode in which the McNamara brothers suddenly pleaded guilty, supposedly as part of a settlement that was to lead to a serious effort by business to understand and resolve the grievances of labor. The change in pleas, primarily engineered by muckraker Lincoln Steffens, brought to an end a temporary drawing together of the Socialist party and the American Federation of Labor. Steffens sought to transform the McNamara case into a model of "Golden Rule" Christianity and thereby demonstrate that class warfare was not inevitable.¹ The record also shows that the case was a major factor in prodding President William Howard Taft to recommend authorization of a United States Commission on Industrial Relations that would study industrial conflict.²

In recent years light has been shed on significant aspects of the episode that hitherto had been ignored or only mentioned in passing. The evidence points to the strong probability that the activities of labor spies and agent provocateurs helped shape the contours of the case, playing a role in encouraging the unionists to resort to dynamiting tactics against employers in steel construction.³ Lincoln Steffens' efforts in the case were not only a response to the imperatives of the Social Gospel but also an expedient means of bridging the gulf separating his reformer friends from labor radicals whose ultimate purposes he shared.⁴



The Los Angeles *Times* headline on Saturday, October 1, 1910, which set the stage for the McNamaras' trial. *Courtesy Los Angeles Times History Center.*

These perspectives make possible a wider angle of vision in considering the implications of the case, although the questions raised still merit further elaboration.

But beyond adding bits and pieces to our understanding of what took place, there yet remains to be written a full-length study of the McNamara case that relates the facts to the class dynamics of the Progressive era and explains more adequately the meaning of an incident in the social history of American labor that was of more than momentary significance. We need to dig more deeply into the background and consequences of a trial that George Mowry terms "one of the most curious in American legal history."⁵ The McNamara case is instructive as to how conflicting interest groups have adopted the methods of violence in pursuit of their ends. The case shows us the terrorism sometimes utilized by the aggrieved when those wielding power in society make use of impersonal terror in appearing to close off avenues of peaceful social change. There is much to be learned from this case about the function of private detective agencies as instruments of corporate power.

In 1901 a writer in the American Federation of Labor (A.F. of L.) magazine *American Federationist* recalled that at the time of the Haymarket tragedy “to a certain class of capitalists the possibilities of the dynamite bomb became an awful nightmare.” Some of the wealthy gave large sums to detectives “who scared them with bogey stories of anarchists that a child would laugh at.” But in the intervening fifteen years employers had come to realize that it was a good business investment “to respect the manhood of their workmen and that good wages and reasonable hours of work bring about a peace which pays far greater dividends than industrial warfare.”⁶

Events, however, were soon to demonstrate that this optimistic view did not reflect reality. The early 1900s brought the opening of a major anti-union offensive by employers spearheaded by trade associations that determined strategy and tactics for the firms in a particular industry. The establishment of open shop conditions was a key element of this campaign. In 1903 the National Association of Manufacturers (NAM) endorsed the open shop and organized business gave high priority to this issue through practically all the years of the Progressive era.⁷ It was also during this period that corporate America, using the machinery of courts, sought to check the growth of the A.F. of L. In the Bucks’ Stove and Range Company case, a firm led by the president of the NAM obtained an injunction that would deprive the federation of the right to advocate a boycott of a corporation that refused to deal with organized labor. In the Danbury Hatters’ case the Supreme Court, spoken for by Justice Holmes, found that the union and individual union members were liable for the consequences of a boycott organized in support of strike action. The Sherman Anti-Trust Act was thus turned loose against the labor movement. Such an episode, according to Philip Taft, proved to many “that the government and the courts were solidly aligned against the workers. . . .”⁸ Any analysis of the reform era must take account of the circumstance that corporate interests militantly fought to define progressivism in anti-labor terms.

The fortress of the open shop drive was the Steel Trust, the United States Steel Corporation and the firms allied with it in



Sheriff Hammel (light suit, left) and detectives escorting the McNamara brothers, both in center with bowler hats, from jail to the courtroom during the trial. *Courtesy Los Angeles Times History Center.*

the industry. Shortly after the founding of United States Steel the executive committee of that corporation declared that it was “unalterably opposed” to any extension of union labor, instructing subsidiary firms to take a firm stand with regard to unions.

The company had almost complete success in avoiding coming to terms with any of the unions seeking to organize the steel industry. J.J. McNamara did not exaggerate in observing that United States Steel “never overlooked an opportunity” to defeat collective movements among its employees. In 1912 a report by the Stanley Committee of the United States House of Representatives noted that following the company’s 1901 statement against unions “the great bulk of American union laboring

men in the iron and steel industry understood that they were not wanted at the works of the United States Steel Corporation.” Also in 1912 Samuel Gompers, replying to statements made by counsel for the corporation, declared: “Today the United States Steel Corporation is practically free from any ‘inconvenience’ from the organized labor movement. It has ‘peace’ in its plant. It is the sort of peace that the Czar of Russia proclaimed when he said, ‘Peace reigns in Warsaw.’ The United States Steel Corporation, and all of the other corporations which have either by direction or indirection in the same or less degree succeeded in crushing out labor organization, are lulling themselves into a fancied security, but one morning or other they will wake up and find it was either a dream or a nightmare.”⁹ In the midst of a 1909 strike by iron, steel and tin plate workers, a strike provoked by company rejection of the right to organize and an announced reduction in wages, officers of nearly fifty international unions met in Pittsburgh and articulated union labor’s hatred of the Steel Trust:

The gigantic trust, the United States Steel Corporation, has used and is using its great wealth and power in an effort to rob the toilers, not only of a livelihood, but of their right of American manhood and of the opportunity to resist its further encroachments. . . . this corporation in its mad greed and lust for still greater riches and power sweeps aside, makes and unmakes laws, its enactors, interpreters and executors and is now engaged in an effort to destroy the only factor — the organizations of its employees — standing between it and unlimited, unchecked and unbridled industrial, political, social, and moral carnage. . . . This soulless corporation represents nothing but dollars, knowing neither body nor soul. Its god is the almighty dollar.¹⁰

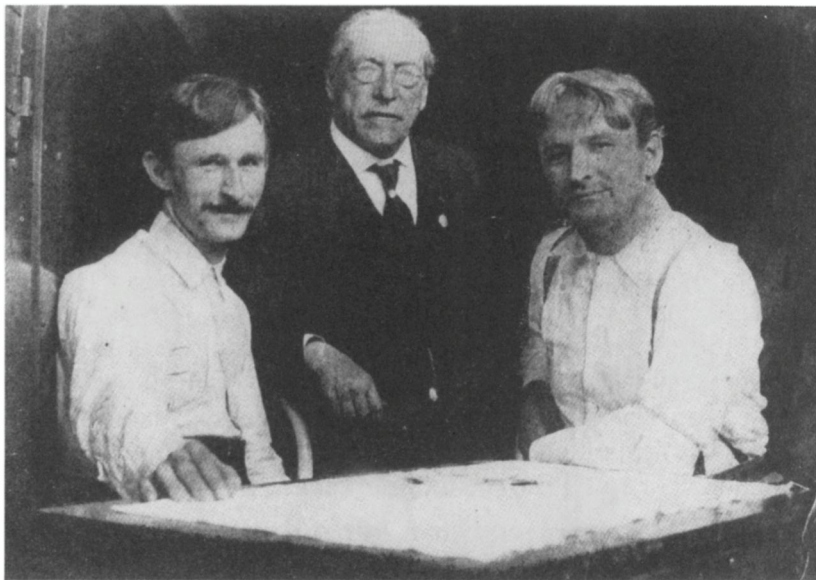
In this period almost all of the unions attempting to gain a secure place in the steel industry met defeat. With its enormous capital reserves and protected by the tariff from foreign competition, United States Steel was simply too strong an opponent for the American labor movement as it was then constituted. One union, however, seemed to be an exception to the rule in its ability to maintain a protracted strike against a subdivision of the mighty corporation. That union was the International

Association of Bridge and Structural Iron Workers, an A.F. of L. affiliate. Organized to represent the workers in the iron and steel construction industry this union had its roots in a mutual aid association formed in Chicago during the 1880s. In 1890 the organization became the Bridge and Construction Men's Union which merged in 1892 with the Architectural Iron Workers to form the Bridge and Structural Iron Workers. The union extended its organizing efforts beyond Chicago and by 1905 more than eighty locals had come into existence in the United States and Canada.¹¹ For a time the union was able to avoid a clash with the American Bridge Company, a subdivision of United States Steel, but in August 1905 an uneasy truce erupted into open confrontation as the iron workers went on strike against the most powerful company in the industry. The occasion for the strike was the insistence of American Bridge upon subcontracting some of its work to non-union employers. From the beginning the union understood that the American Bridge strike was probably the most important in the organization's history but efforts for a settlement did not produce results. During September and October 1905 meetings were held with American Bridge officials but the company rejected proposals for a general written agreement. The union was entirely aware of the corporate power arrayed against it, declaring in the IABSIW magazine: "The history of the United States Steel Trust is the history of the American Bridge Co.; both are of the same amalgamation for the purpose of monopoly and of crushing all competition." An official of the company was quoted as stating: "We are through with union labor for all time. All our contracts covering structural work will be completed by non-union labor."¹²

At the beginning of January 1906 what had begun as a strike was transformed into a virtual lock-out as the National Erectors Association, the trade association in the industry, announced its determination to enforce an open shop policy. Implementation of the policy was set to begin as of May 1, 1906. Members of the Erectors Association included the leading firms in the business, companies such as American Bridge, McClintic-Marshall, Pittsburgh Construction, Riter Conley, Lucius Engineering and

Wisconsin Bridge and Iron. The commissioner of the Erectors Association was attorney Walter Drew who frankly stated that the organization was formed “for the express and primary and sole purpose of assisting its members to work under the open shop basis.”¹³ Early in the fall of 1906 the union requested a conference with the Erectors but Drew curtly informed IABSIW secretary J.J. McNamara “that the members of the National Erectors Association will continue in the future as in the past, to conduct their work upon the open shop plan . . .” and declined the bid for a meeting.¹⁴ It was clearly the intention of the steel construction employers to destroy the union. Clarence Darrow summed up the significance of the open shop drive in his comment at a Spokane meeting that “the open shop means an open back door to throw the union men out.”¹⁵

The IABSIW, however, was not an organization to be easily destroyed. The membership was made up of venturesome, physically courageous workers, accustomed to conditions of tension and experienced at facing danger every day of their working lives. According to Louis Adamic “only men of great physical strength and courage became skyscraper men . . .”¹⁶ These were the workers who labored to erect the tall buildings, bridges, and other construction projects that became the symbols of modern American civilization. The iron workers had a perception of the significance of their work, as reflected in a poem appearing in the August 1907 issue of the union periodical, *The Bridgemen's Magazine*: “Sing we a song to the builder, the laboring, honest man,/Who is building four-square the Republic across the continent's span.”¹⁷ These workers were at the heart of changes that facilitated the further growth of the American transportation network and transformed the urban landscape. Samuel Gompers identified the iron worker as “this builder of our modern civilization.”¹⁸ In the course of construction injuries and loss of life occurred repeatedly. In the union magazine death notices regarding members killed in falls or the collapse of structures regularly appeared. In April 1905 *The Bridgemen's Magazine* wrote: “Steel beam construction revolutionized building, made sky-scrappers possible, brought about economy in space, time, labor and causes every year in this country the death or



Samuel Gompers (center) visited James B. McNamara (left) and John B. McNamara in the Los Angeles County Jail. *Courtesy Brown Brothers and published by permission.*

frightful maiming of hundreds of men.” The magazine described how the crane lowers the beam to the worker’s hands and “he either catches it and guides it into its proper place, or the wind whips him from his perch or the beams [*sic*] knocks him off and ends him.” The magazine reported that in the structural iron trade one worker in every three was killed or maimed.¹⁹ In a piece for *Everybody’s Magazine* Ernest Poole described the scene as he approached a worker standing on an exposed beam on the thirty-fifth floor of the Metropolitan Life Building in New York: “I came cautiously nearer, looked over, and drew quickly back, *for there was a sheer drop of five hundred feet between him and the pavement.*” From that perch “the whole mighty tangle of Manhattan Island drew close into one vivid picture.”²⁰ Accidents could result from a number of circumstances, from simply losing one’s balance, falling through an open elevator shaft, or being struck by hot rivets.

Statistics regarding accidents told an obvious story. During 1905 the accident roll for Local 1 in Chicago listed twenty-three

members dead, seventeen totally disabled and eighty-three injured. Eleven of those killed fell from heights. During a three year interval the construction of a bridge over the Mississippi at Thebes cost the lives of sixteen workers.²¹ At the union's 1908 convention it was reported that fifty-five men had been killed during the construction of the Blackwell's Island bridge in New York.²² Particularly awesome was the tragic loss of fifty-one lives resulting from the collapse of the Quebec bridge at New Liverpool, Quebec on August 29, 1907.²³ At the 1912 federal trial of ironworkers on conspiracy charges Judge Albert B. Anderson excluded from consideration evidence pertaining to the hazardous nature of work in the steel construction industry but it cannot be doubted that such hazards shaped the psychology of those in the trade. The IABSIW had some record of success in raising the wages of its members and also in securing the adoption of minimal safety measures. It was not expected that workers who over the years through the mechanism of union had significantly improved their living standards and working conditions would surrender to the open shop. As Rhodri Jeffreys-Jones notes, the building industry was "the citadel of urban unionism" and clearly the attack on the iron workers was of pivotal importance for the American labor movement.²⁴

If United States Steel and the National Erectors Association expected a quick victory they would soon realize that the IABSIW was a stubborn and determined opponent. The strike extended from months into years as the employers would not alter their open shop policy and the union would not have its members work for contractors or subcontractors that maintained the open shop in any of their operations. In the course of the conflict statements by union spokesmen and articles in *The Bridgemen's Magazine* articulated consideration of a range of alternative paths for the advancement of labor's cause. There was to be found in a number of these expressions some measure of class consciousness. Walter Lippmann was not entirely accurate in holding that the union leaders believed Jefferson had said all there was to be said about politics.²⁵ There was to be sure a kind of elemental class resentment exhibited in the contrast seen by one *Bridgemen's* writer between the workers "who, roughly clad with jumpers

flying in the breeze, are defying death up among the very clouds” and the “well-groomed, prosperous-looking” men, surrounded by luxury who constituted the directors of the “Bridge Octopus.”²⁶ Union leaders realized the broader ramifications of the Steel Trust, understood that the protective tariff was a form of political underwriting of monopoly, and were aware that the Steel Trust exerted influence upon government at every level and upon other established social institutions. Even a fairly moderate IABSIW leader such as Frank Buchanan, later to be elected to Congress, argued that combinations of employers invested funds “to reach influential newspapers, magazines, churches and other agencies of education, police and courts have been bribed in time of turmoil, and the legislatures are used during times of peace, all with one end in view — to crush by law, with law and through law, if possible, against the law if necessary, the advancing growth of the trades union principle.”²⁷

Louis Adamic had a point in arguing that a source of iron workers’ militancy was the belief in the laborer’s property right to control of his job.²⁸ Those who would deprive the union member of employment were the originators of crime. Something of this point of view was reflected in Sam Gompers’ question: “. . . are the monster industrial corporations and hostile employers’ associations guiltless of conspiracy to destroy the labor organizations, thereby rendering the workers helpless in the death-grinding process in which so many industries abound?”²⁹ Union rhetoric reflects the view that the labor movement was an extension of the American revolutionary heritage, as shown during 1906 in *The Bridgemen’s* hope that July 4 could be a “two-fold celebration.” The workers would celebrate political independence but also economic independence and the right “to work like Union men with Union men regardless of what any organization might say.”³⁰

A blunt statement of the union’s political position could be seen in a July 1906 cartoon that portrayed a bloated figure, labeled “THE TRUSTS” dragging behind him a toy labeled “U.S. SENATE.”³¹ President Frank Ryan of the IABSIW gave support to the Gompers line of rewarding friends and punishing enemies, as expressed in a 1906 statement endorsing Federation

policy “that the organized workmen make their protests effective at the ballot box and follow closely the tactics of the capitalists, who do not permit party affiliation to stand in the way of supporting their friends and punishing their enemies.” At the same time Ryan was capable of voicing something more than the Gompers position, as in his declaration: “I hope some day to see the workingmen put a party in power that will at least make an honest effort to investigate and promptly correct the fast spreading abuses of these giant combinations. . . .”³² By 1908, however, Ryan was not concerned with past shortcomings of the Democratic party. “I now view it,” he stated, “as a powerful instrument that can be used to administer a stinging rebuke to our enemies, who seem to be so firmly entrenched in the Republican party.” Although careful to note the absence of “our own party,” he argued that “the other dominant party is the best agency for quick and effective work.”³³ Ryan did not stray far from the Gompers position. Yet a perception of him as a conventional bureaucrat must be set alongside such a fact as his participation in the 1907 National Arbitration and Peace Congress held in New York. Ryan wrote in *The Bridgemen’s Magazine*: “Any movement that tends towards peace and lessens the chance of war is beneficial to the working classes and should have their endorsement, as no class suffers to the extent that the working classes do in bearing the burdens of war.”³⁴

The union periodical was sympathetic to the political insurgency that erupted after Theodore Roosevelt’s departure from the White House. In 1910 an editorial proclaimed: “Let the demagogues beware, for out of the West, North and South there is a steady roar and rumble for the equal rights of man, and this is the central idea of the American Constitution.” This support of insurgency apparently did not include support for Roosevelt’s further aspirations for the magazine severely took the ex-President to task for having accepted exemption from customs charges upon his return from Africa. “John Brown on the way to the scaffold,” *The Bridgemen’s* wrote, “had a whiter soul than Roosevelt on his way to America.” Inferring that Roosevelt played Dr. Jekyll and Mr. Hyde the magazine was expressing a deep disdain for the future Progressive candidate.³⁵

The Bridgemen's Magazine did devote some space to views that were fundamentally critical of American corporate capitalism. Very shortly after the National Erectors announced the open shop campaign the periodical ran a piece titled "Food for Reflection" by one Jack Dryton.³⁶ In this article the author portrayed the inception of a "Titanic struggle" between the American Bridge Company and the union in which "courage and manhood born in a liberty-loving people" contested with the "haughty insolence" of employers. The capitalists dictated where workers should live by the location of their plants "and by reason of their power to decide the laws." If the superior might possessed by the corporations rendered strikes ineffective there was but one solution, "the socialization of industry." Dryton gave a clear answer to the question of what was the cause of the great disparity in the conditions of life. The cause was private ownership of the means of production and distribution. Corporate enterprise had but one object, the accumulation of wealth, and toward that end, all means, "however despicable," were to be used.

In 1907 *The Bridgemen's* published an article by John M. Dorney offering a version of Henry George's single-tax philosophy. Dorney recalled that in earlier days of American history the nation had been faced by the moral challenge of slavery. That challenge had been overcome but now there was the moral issue posed by land monopoly. For years American statesmen, churchmen, editors and businessmen had been blind to the issue of slavery. They were blind because they were worshippers of "The Golden Calf." Their contemporary counterparts were also blind. Dorney asked: "Has the insane pursuit of money and office gone so far that it will require the crash of musketry in our streets to awaken these so-called leaders?" There was a moral law in the universe and that was the equality of all persons before God and nature. Having established a basic moral precept Dorney turned to existing economic issues and found that land monopoly was "as systematic a plunder of labor as was chattel slavery." Land monopoly was indeed an enemy to both capital and labor and the achievement of equality required the destruction of landlordism. Compromise measures would not suffice. As to the significance

of elections and governmental regulation, Dorney wrote: "Everywhere throughout the length and breadth of the Republic elections are simply contests between rival plutocrats, or contending corporations, and yet men talk of 'regulating' corporations, public service companies. As well talk of 'regulating' small-pox, cholera, or mad dogs." Those most to blame for the deadened state of public morality were the churchmen and laymen "who stand idly by and refuse to act or protest, who refuse to do their duty as citizens." The American democratic ideal was the goal to be sought but that could only be achieved by economic change in the system of land tenure.³⁷

A short piece in the April 1906 issue of *The Bridgemen's* expressed the sort of class view common among union leaders. "Poor old Pennsylvania!," the magazine stated. "The capitalists got tired of paying spotters, spies and guards to watch, ambush and shoot down union men when they saw fit to demand their just rights, so they organized or rather had the State Legislature cause to be organized, a state constabulary or police force which will be recompensed from the public treasury."³⁸ That state government, at least, functioned as a creature of corporations was not a point to be belabored but rather assumed.

Union rhetoric might consider a number of strategies but there was no clear, public consensus of agreement upon a policy that could lead to victory. The union had been drawn into a struggle that appeared to be a fight to the finish. The iron workers fought against overwhelming odds, confronting one of the most powerful corporations in the world. The Federation endorsed the strike against American Bridge but the IABSIW received rather little in the way of tangible assistance. In an industry marked by a complicated system of contracting and subcontracting, with companies free to hire union workers in one place when that might be expedient and to refuse employment to such workers at other construction sites, it was extremely difficult to enforce a policy of no work for open shop employers. The problems of the union were compounded by the union's rather weak position in southern states, a point to which secretary McNamara made pointed reference.³⁹ The Steel Trust was supported by the tariff and by the courts with their



Samuel Gompers (1850-1924) the longtime president of the American Federation of Labor, serving from 1886 until his death (except one year, 1895). *Courtesy The Library of Congress.*

injunctions but the union had little to fall back upon beyond its own strength. This was the root of the union's recourse to dynamiting, a tactic that could be given centralized direction and used so as to threaten the ability of employers to complete construction projects. During the years between 1906 and 1911 eighty-seven structures at which non-union labor was used were dynamited.⁴⁰ With the exception of the Los Angeles *Times* incident no loss of life resulted. Ironically the *Times* incident appears to have been only marginally related to the fight against the steel construction employers, with the impetus for the affair coming from the building trades in San Francisco.

The McNamara case and the subsequent 1912 prosecution of iron workers in Indianapolis gave considerable substantiation to the view that government and business were inextricably linked, that federal and state government were jointly determined to victimize organized labor. When J.J. McNamara was arrested on April 22, 1911 at union headquarters in Indianapolis local police, William J. Burns, other Burns Agency operatives and Walter Drew of the Erectors were all on the scene, implementing what was clearly a joint project.⁴¹ Agents of the National Erectors Association in Indianapolis hunted for evidence to be submitted to the federal grand jury.

Although the prosecution of those who might be charged with the *Times* dynamiting would doubtless be conducted in the California courts, an employers association in Los Angeles, even before the arrest of the McNamaras, wired President Taft urging a federal probe into labor abuses.⁴² Although several accounts of the McNamara case refer to the federal inquiry and prosecution there has been scant attention paid to the role of federal action in facilitating the state proceedings. In his biography of Clarence Darrow, who headed the defense legal team as the Los Angeles trial began, Kevin Tierney does allude to how federal seizure of union records was effective in compelling the defense “to realize that the game was up” but the process that led to federal intervention is yet to be disclosed.⁴³ In studying this process what comes to light is that considerations of law and ethics yielded priority to the desire for results and that President Taft’s decision for federal intervention was based, at least in part, on faulty information. The president of the United States was used or allowed himself to be used by those determined that the McNamara brothers should be found guilty of murder.

James A. Emery, counsel to the NAM at the time of the *Times* explosion, later recalled: “a number of our members, who had been or feared to be the victims of various attacks upon their properties, sought to procure a Federal investigation of what they had good reason to believe was a continuing conspiracy of which there was much suspicion and little direct evidence.”⁴⁴ Following the arrest of the McNamaras, the formal record of the campaign to secure federal intervention began on September 21, 1911, shortly before the scheduled beginning of the trial when the Los Angeles prosecutor John D. Fredericks wrote Attorney-General George W. Wickersham requesting the opening of federal proceedings. Fredericks urged that the federal case be centered in Los Angeles.⁴⁵ Already, on the previous day, United States Attorney McCormick in Los Angeles had written Wickersham to explain the request for Justice Department action. Referring to the Los Angeles prosecution team McCormick stated: “. . . they are frank to admit that the institution of proceedings before the local [federal] Grand Jury in the immediate future and the arrest of the parties against whom they complain, under an indictment, will materially aid and benefit the prosecution of the McNamaras

in the State Court.” McCormick went on to explain that federal action “will put the fear of God into the hearts of the men who are responsible for the intimidation, threatening and bribing of . . . witnesses, and will instill confidence into the minds of the witnesses themselves and that in this way the State authorities will be enabled to properly and efficiently enforce the law in these dynamite cases”⁴⁶ Members of the local prosecution team informed McCormick that most of the relevant evidence was to be found in Los Angeles and so it would be “most convenient” to have the federal inquiry take place in that city.⁴⁷

The campaign for federal intervention was related to the fact that as matters stood, the California case against the McNamaras appeared rather shaky. Clarence Darrow, aided by investigators hired by the defense, could be relied upon to carefully scrutinize prospective jurors as to possible prejudice. Darrow’s association with the case called back memories of his effective role four years earlier as chief defense counsel in the Haywood-Moyer-Pettibone trial in Idaho, a trial that stirred labor militancy. In order to place J.J. McNamara in the hands of California authorities, Burns Detective Agency operatives had seized the union leader at headquarters in Indianapolis and removed him from the state without opportunity of an extradition hearing. The case rested largely on the confession of one individual, Ortie McManigal, whose independence of Burns was initially doubted even by prosecutor Fredericks. McManigal and his role in the case seemed cut from the cloth of Harry Orchard, the notorious and discredited informer in the Haywood case. The prosecution was caught in the double bind that whatever the outcome of the trial, the proceedings would be widely perceived as resulting from a system of class justice. In this situation, only the entrance of the federal government into the case offered prospects of genuine success by the prosecution.

At first, however, it appeared that federal authorities would reject the course of intervention in the case. On September 28, 1911 Assistant Attorney-General William Harr communicated to Wickersham his recommendation against federal action. Harr explained: “It looked to me as if the State authorities merely wished to use the Federal Government for the purpose of pulling

U.S. Attorney General George W. Wickersham who served in that post under President William Howard Taft, 1909-1913. *Courtesy The Library of Congress.*



their chestnuts out of the fire and I did not think it good policy for the Department to allow itself to be used for such purpose.”⁴⁸ On October 10 Wickersham informed McCormick in Los Angeles of his decision upholding Harr’s negative recommendation. The attorney-general stated his view that the proposed intervention was sought to aid the state prosecution, a conclusion he reached after conferring with Walter Drew.⁴⁹ Wickersham also communicated to Oscar Lawler, one of the Los Angeles prosecutors, his view that federal action was desired in order to support the case in the state court.⁵⁰ At Indianapolis, United States Attorney Charles W. Miller joined in questioning the motives of those seeking Justice Department action. Miller wrote to Wickersham on October 19: “It looks to me there is no desire on the part of Mr. Drew and his associates to have a good faith federal prosecution and that the reason for their interest in this matter was to attempt to bolster up the State’s case pending in California.”⁵¹

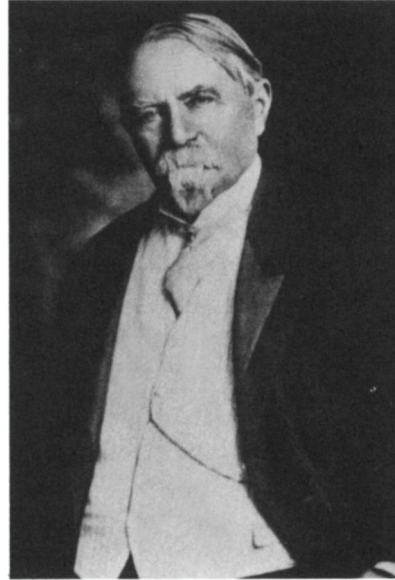
Despite initial rejection the advocates of federal intervention did not abandon their efforts. On September 29 prosecutor Fredericks prodded Drew on this matter, explaining in a telegram that he desired federal prosecution of the offenders “so that they will not be at large to intimidate our witnesses in parts of the country where we have no ability to protect ourselves.”⁵² On October 20 Drew wrote to Harr at the Justice Department that

federal action to preserve evidence “must be exceedingly prompt and perhaps drastic.”⁵³ Within a month Wickersham reversed course on the issue of federal intervention, ordering on November 18 a full federal inquiry to be undertaken both at Indianapolis and Los Angeles.⁵⁴ Even earlier, at the end of October, union leaders were subpoenaed by the federal grand jury in Indianapolis and on November 7 union records were seized by order of Judge Anderson.⁵⁵ Wickersham informed McCormick he was convinced J.J. McNamara and others were guilty of transporting dynamite for the purpose of destroying lives and property.⁵⁶ What explains the change in the position of the federal government?

At least part of the explanation is to be found in the introduction of a seeming “smoking gun” that could be used to legitimize federal action, snuffing out any charge the Taft administration was taking the side of business. The evidence was said to consist of a conspiracy in California to blow up the train carrying President Taft when he visited the state in October. The sources relating to the case contain several references to this matter of a threatened dynamiting of the presidential train. According to Louis Adamic, prominent Los Angeles conservatives on October 16 met with Taft while he was in the city and presented him with evidence pointing to the existence of a national dynamite plot.⁵⁷ William J. Burns provides details concerning the threat to Taft’s life: “...in October 1911 an attempt was made to blow up a Southern Pacific Railroad bridge near Santa Barbara, California, just before a train bearing the President of the United States was due to cross it. Thirty-nine sticks of dynamite with fuse attached were found in the bridge structure by a watchman.”⁵⁸ It is established that a few days prior to October 23 Harrison Gray Otis, Los Angeles *Times* publisher, and Oscar Lawler conferred with Taft in Los Angeles. It is almost certain that in this meeting Taft was told of the threat to his life.⁵⁹

William Howard Taft was aware of Otis’ role as an important newspaper publisher and prominent California conservative Republican. In the months prior to the president’s coming to the state, Otis frequently wrote Taft, dealing with a scheme for

Harrison Gray Otis (1837-1917) who became part owner of the Los Angeles *Times* in 1881, and then the sole owner and president of Times Mirror Company in 1886, a strong opponent to organized labor. *Courtesy Seaver Center for Western History Research, Natural History Museum of Los Angeles County.*



universal world peace and also with matters relating to Mexico. The Taft administration had maintained friendly relations with the oppressive Mexican dictatorship of Porfirio Diaz and in April 1911 Otis was pleased to inform the president of the defeat in northern Mexico inflicted upon radicals described as “socialists and IWW’s.” Taft appreciated this information and expressed to Otis his satisfaction that a “band of thugs calling themselves socialists” had been “cleaned out.”⁶⁰ The president also knew and respected Lawler. The California attorney had served in Washington as assistant attorney-general assigned to service with the Interior Department. Some weeks before Lawler’s resignation in May 1911, Taft, in a letter to Secretary of Interior Walter L. Fisher, described him as a “first class man” as well as a very competent attorney.⁶¹ The president was not likely to ignore allegations set before him by such worthy individuals.

The initiative for an interview with Taft was taken by Otis. The *Times* publisher had ample reason for concern that with the evidence then in hand, going through with the trial of the McNamaras was likely to destabilize the position of his newspaper and that of Los Angeles conservatives generally. At the

end of May his son-in-law and *Times* general manager Harry Chandler had notified him that in certain districts of the city between thirty and fifty percent of the residents believed that the McNamaras were innocent victims of a frame-up contrived by detective Burns. Chandler described this view as "mental poison" that was "more potent for harm than any physical contagion that could afflict humanity."⁶²

Four days before Taft was due in Los Angeles the publisher wrote to outline his request. "I am writing you this letter," he explained, "because of the importance of the cause involved and of the subjects presented; and I will ask you to do me the honor and the service which its careful consideration by you will imply, and for which honor and service I will be grateful." Otis cited District Attorney Fredericks as the source for evidence concerning "a general conspiracy between many persons" located in such cities as Boston, New York, Cleveland, Indianapolis, Peoria, Kansas City, San Francisco and Chicago, a conspiracy to transport explosives in violation of federal laws. Otis asserted that the facts showed that "the explosion of the Times Building was only an incident in the carrying out of the general purpose to establish a reign of wholesale terrorism and intimidation." The individuals involved in this plot could not all be tried in the courts of California and therefore the only remedy was federal prosecution.

Otis went on to say that Taft undoubtedly knew from press accounts that Indiana state authorities had in their possession "a vast amount" of evidence which upon even casual examination, the only examination yet possible, pointed to the guilt of the conspirators. The publisher observed that state process was entirely unavailing in this matter. As for the Justice Department the United States Attorney in Indianapolis seemed reluctant to proceed although Otis further noted he had been informed Attorney-General Wickersham favored action if a "satisfactory showing" of violation of federal law was made. The publisher then emphatically summed up his case: "...the matter is of such vital consequence to the country generally that I feel it warrants me — who am so directly and so deeply interested, not only for myself and mine, but still more for the cause of justice —

in asking an opportunity to clearly present the situation to you in order that you may have at first hand the facts, and, if consistent, be justified thereon and thereby in informing the attorney-general that his usual prompt and energetic action is vitally necessary in this case." Otis asked Taft to name a time during his stop in Los Angeles when a meeting could be arranged. In a postscript the publisher softened his insistent tone with the observation that if the issue at hand "were less important, less urgent, and less vital to a great cause" he would not feel called upon to bring it personally to Taft's attention, at a time when the president was occupied "with the time-consuming affairs of your triumphant progress through the country."⁶³

On October 16, the day Taft was scheduled to arrive in Los Angeles and the day explosives were supposedly found on the Santa Barbara bridge, Otis wrote to Taft's secretary to express thanks for the president's willingness to grant an audience and also to ask if he might bring along with him Oscar Lawler, for the purpose of laying out the case in detail.⁶⁴ In this hand-written note there is no mention of the Santa Barbara incident but there is the remarkable coincidence, if coincidence it was, that the appointment with Taft and an incident vividly reinforcing the plea of those seeking the appointment all came together.

Following this California encounter representations to the Justice Department concerning the need for federal action cited this new dynamiting threat. Oscar Lawler informed Wickersham of the plot to blow up the bridge and indeed claimed the existence of a plot to blow up the Panama Canal while acknowledging that federal prosecution would aid the Los Angeles prosecution in the murder trial of the McNamaras. The assistance furnished the state of California was given as an "added reason" for federal action.⁶⁵ Walter Drew wrote to William Harr, also laying out the argument that federal action was appropriate, not merely because of the California case but because of the attempt to destroy the bridge over which Taft's train was to pass.⁶⁶ The advocates of federal intervention had found a way to give a powerful emotional edge to their appeal.

Whatever William Howard Taft was told in California the

evidence now available raises strong doubt that any such plot to sabotage his train in fact existed. It is rather probable that this story was actually an expedient fabrication. This hypothesis is supported by the records of the United States Secret Service covering the interim while Taft was in California. In only one Secret Service communication is reference made to a possible attempt to interfere with Taft's trip. This communication by agent Sloan was sent from Los Angeles on October 17 to Secret Service headquarters in Washington. The coded message read: "Is to morning dynamite absolute everything there attempt in train no five learn an investigate last truth today can of will night in AI story it AS it P as carry heard for just will."⁶⁷ The actual, uncoded message was as follows: "Everything fine. Today A.P. will carry story of an attempt to dynamite train last night. As far as I can learn there is absolutely no truth in it. Just heard it. Will investigate in morning."⁶⁸ There is no further communication to indicate that the Secret Service agents in California saw any reason to alter the original finding that there was nothing to the report of train dynamiting.

On October 17 newspapers in various parts of the country did run stories about an attempt to dynamite the bridge near Santa Barbara, the Cairtan bridge at Gaviota. The Cincinnati *Enquirer* quoted Sheriff Nat Stewart of Santa Barbara County and W.F. Wines of the Southern Pacific Railroad as having said there had been indeed an effort to dynamite the bridge, an attempt frustrated by an alert watchman. Further reference by the *Enquirer* to this incident was limited to a brief item reporting that an explosives expert employed by Southern Pacific believed the explosive charge had been set to destroy the bridge.⁶⁹

A more detailed account carried by the *New York Times* suggests there was more and less to the incident than at first appeared. The *Times* reported that a Southern Pacific watchman, Abe Jenkins, had discovered thirty-nine sticks of dynamite affixed to the bridge, eighteen on the pier nearest Gaviota and twenty-one under the central span. The article further noted that the strength of the explosives was the same as that used to destroy the building of the Los Angeles *Times*. According to the

New York Times account Jenkins had come across two men on the bridge with whom he struggled before they vanished into the night. A Southern Pacific section foreman now recalled he had earlier seen two men leave a train at Naples, a few miles away, and walk toward the bridge. There was also word that a Mexican herder had seen two men in the vicinity who fit the general description supplied by the watchman and the foreman.

The *Times* report adds a dimension to the story neglected in later references to this affair. The event on the bridge, whatever its nature, took place during a strike by shopmen, machinists, carmen and clerks employed by the Southern Pacific, Union Pacific and the Illinois Central. Taking this feature of the situation into account the *Times* reported the existence of two theories as to what happened. The first, a theory, stated the *Times*, "stoutly maintained by officials of the Southern Pacific Railway here," was that the incident represented an effort by strikers to discredit the SP's claim that its trains were running on time. The second theory was that the event constituted an anarchist attempt on President Taft's life. Supporting this interpretation, it was claimed, was the continuing presence at the scene of the two men found by watchman Jenkins. If they had merely desired to destroy the bridge a timing mechanism could have been used.⁷⁰

A third hypothesis, however, is also plausible. In view of the strike it is possible that persons representing the railroad contrived the entire episode so as to cast the strikers and union labor generally as criminals. The original information, after all, came from an armed guard employed by Southern Pacific. Given the company's long history of animosity to unionism and to progressive reform of any kind in California, this third hypothesis may have a basis in fact. If the event was contrived by opponents of labor, it remains to be determined if this was done in conjunction with those having an interest in providing reason for a federal inquiry into a national dynamite plot.

The linkage of federal action to the state prosecution became clear as the Justice Department proceedings got under way. When the IABSIW's records were seized, it was Walter Drew of the Erectors Association who paid for the copying of the

materials.⁷¹ The United States attorney in Indianapolis informed Attorney-General Wickersham he was convinced "California authorities ought to have photographs of all these papers, documents and writings that they consider necessary to use in the criminal proceedings there pending."⁷²

The Indianapolis conspiracy trial was a demonstration of the nature of class justice in the federal courts during some of the critical years of the Progressive era. Almost without precedent was this trial that threatened to decimate the leadership of an entire international union. In March 1912 *The Bridgemen's* wrote that "the United States Government has taken advantage of its first great opportunity in the history of the organized labor movement to undermine unionism by placing official sanction on alleged evidence concocted by our enemies."⁷³ The heart of the case was testimony by Ortie McManigal that the innocent-sounding language contained in union correspondence actually expressed criminal purposes. Judge Anderson was to make his mark as a militantly anti-labor member of the federal judiciary. In 1919 Judge Anderson issued a sweeping injunction against leaders and members of the United Mine Workers, ordering such persons to cease all activities in support of the bituminous coal strike then in progress. This injunction evoked bitter protest from A.F. of L. national officers.⁷⁴ In the iron workers' trial Anderson gave every advantage to the prosecution and was overtly hostile to the defense. He accepted as testimony against one defendant the fact he voted for a resolution to send a telegram supporting Gompers' activities in defense of the McNamaras. Evidence concerning violence at open shop jobs involving industries other than steel construction was received as evidence. The judge told one defense witness: "Let me suggest to you that you will have a hard time making anybody believe you were not the aggressor in a fight. It is almost impossible to keep you from fighting now."⁷⁵ At the conclusion of the trial Anderson declared: "The evidence in this case will convince any impartial person that government by injunction is infinitely to be preferred to government by dynamite."⁷⁶ Following sentencing those convicted were hurried off to Leavenworth before the judge could hold a hearing for a writ of error opening the way to appeal.

The *Nation* magazine editorialized: "The history of the organization since its foundation in 1895 is an epitome of the history of most labor troubles in the United States."⁷⁷ The history of the IABSIW was certainly not duplicated by every American union but in the sharpness of this clash between trust and militant unionism there was apparent the extremely volatile nature of class relations prevailing in American society. The iron workers union did not embrace a particular alternative to capitalism but it did make clear its discontent with monopoly domination of the economic system.

NOTES

¹See Lincoln Steffens, *The Autobiography of Lincoln Steffens* (New York: Harcourt, Brace, 1931), pp. 658-689; Grace Heilman Stimson, *Rise of the Labor Movement in Los Angeles* (Berkeley: University of California Press, 1955), pp. 366-419; Philip S. Foner, *The AFL in the Progressive Era, 1910-1915* (New York: International Publishers, 1980), pp. 7-31.

²See Graham Adams Jr., *Age of Industrial Violence, 1910-1915* (New York: Columbia University Press, 1966), pp. 1-33.

³Herbert Shapiro, "The McNamara Case: A Crisis of the Progressive Era," *Southern California Quarterly*, LXIX (Fall 1977): 271-287; Robert Gottlieb and Irene Wolt, *Thinking Big: The Story of the Los Angeles Times* (New York: G.P. Putnam's, 1977), pp. 103-105.

⁴Herbert Shapiro, "Lincoln Steffens and the McNamara Case: A Progressive Response to Class Conflict," *The American Journal of Economic and Sociology*, 39 (October 1980): 397-412.

⁵George E. Mowry, *The California Progressives* (Chicago: Quadrangle Books edition, 1963), pp. 53-54.

⁶Henry Cohen, "A Chapter From Chicago's History," *American Federationist* (September 1901): 344.

⁷Clarence E. Bonnett, *History of Employers' Associations in the United States* (New York: Vantage Press, 1956), pp. 443-479.

⁸Philip Taft, *The A.F. of L. in the Time of Gompers* (New York: Harper and Brothers, 1957), pp. 266-271.

⁹Samuel Gompers, "The Steel Worker," *The Bridgemen's Magazine* (September 1912): 614-616; letter by J.J. McNamara, *The Bridgemen's Magazine* (June 1911): 331-335, see p. 333 in particular.

¹⁰See "Editorial" in *The Bridgemen's Magazine* (January 1910): 29.

¹¹See G.W. Geary, "Brief History," *The Bridgemen's Magazine* (August 1905): 7-9.

¹²"Editorial," *The Bridgemen's Magazine* (September 1905): 47; American Bridge company manager E.M. Sprague quoted in "Editorial," *The Bridgemen's Magazine* (February 1906): 11.

¹³*People of California vs. M.A. Schmidt*, trial transcript, p. 4033, Los Angeles County Law Library.

¹⁴See October 2, 1906 letter from Walter Drew to J.J. McNamara, quoted in text of

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McNamara speech at IABSIW 1908 convention, *The Bridgemen's Magazine* (October 1908): 757.

¹⁵Clarence Darrow speech, quoted in "Timely Topics," *The Bridgemen's Magazine* (January 1907): 42.

¹⁶Louis Adamic, *Dynamite: The Story of Class Violence in America* (New York: Viking Press, 1931), p. 190.

¹⁷See poem "To The Builder," by Wex Jones, *The Bridgemen's Magazine* (August 1907): 445.

¹⁸See "President Gompers' Reply to Walter Drew," *The Bridgemen's Magazine* (February 1913): 67.

¹⁹See "The Height of Hazard," *The Bridgemen's Magazine* (April 1905): 15.

²⁰Ernest Poole, "Cowboys of the Skies," *Everybody's Magazine* article, reprinted in *The Bridgemen's Magazine* (January 1909): 72-82, especially pp. 72-73.

²¹See article by H.W. Field, "Scores of Lives Lost in Erecting Sky Scrapers," reprinted in *The Bridgemen's Magazine* (February 1906): 21-23, especially p. 22.

²²*The Bridgemen's Magazine* (October 1908): 754.

²³*The Bridgemen's Magazine* (October 1907): 615 and 639. The magazine lists by name fifty union members killed in the accident.

²⁴Rhodri Jeffreys-Jones, *Violence and Reform in American History* (New York and London: Franklin Watts, 1978), p. 68.

²⁵Walter Lippmann, *A Preface to Politics* (New York: Mitchell Kennerly, 1913), p. 236.

²⁶H.B. Moyer, "Both Sides of the Business," *The Bridgemen's Magazine* (January 1909): 20-21.

²⁷*The Bridgemen's Magazine* (October 1905): 10.

²⁸Louis Adamic, "Racketeers and Organized Labor," *Harper's Monthly* (September 1930): 404-416, especially p. 409.

²⁹*The Bridgemen's Magazine* (February 1913): 68-69.

³⁰*The Bridgemen's Magazine* (May 1906): 13.

³¹*The Bridgemen's Magazine* (July 1906): 13.

³²*The Bridgemen's Magazine* (May 1906): 6; *The Bridgemen's Magazine* (October 1906): 54.

³³*The Bridgemen's Magazine* (August 1908): 438.

³⁴*The Bridgemen's Magazine* (May 1907): 255. With regard to the National Arbitration and Peace Congress, see Charles De Benedetti, *The Peace Reform in American History* (Bloomington: Indiana University Press, 1980), p. 83.

³⁵*The Bridgemen's Magazine* (June 1910): 313.

³⁶*The Bridgemen's Magazine* (February 1906): 26.

³⁷John M. Dorney, "The Social Problem and the Ultimate Remedy," *The Bridgemen's Magazine* (September 1907): 538-545.

³⁸*The Bridgemen's Magazine* (April 1906): 10.

³⁹See "Circular Letter No. 104 to Affiliated Local Unions," *The Bridgemen's Magazine* (March 1907): 169-171, particularly p. 170.

⁴⁰Taft, *The A.F. of L. in the Time of Gompers*, p. 276.

⁴¹Letter by IABSIW President Frank Ryan, *The Bridgemen's Magazine* (October 1911): 690-691.

⁴²Adams, *Dynamite* . . . , p. 8.

⁴³Kevin Tierney, *Darrow: A Biography* (New York: Thomas Y. Crowell, 1979), p. 243.

⁴⁴James A. Emery to Leslie Edgar Bliss, December 5, 1944 in Box 1, trial transcript of *United States vs. Frank M. Ryan et al.*, Henry E. Huntington Library, San Marino, Calif.

⁴⁵John D. Fredericks to Attorney-General Wickersham, September 21, 1911, Department of Justice file 156777, National Archives, Washington, D.C. (Notes 46-54 and 56 are drawn from this file.)

⁴⁶United States Attorney McCormick to Attorney-General Wickersham, September 20, 1911.

⁴⁷United States Attorney McCormick to Attorney-General Wickersham, September 21, 1911.

⁴⁸Assistant Attorney-General William Harr to Attorney-General Wickersham, September 28, 1911.

⁴⁹Attorney-General Wickersham to United States Attorney McCormick, October 10, 1911.

⁵⁰Attorney-General Wickersham to Oscar Lawler, October 10, 1911.

⁵¹United States Attorney Miller to Attorney-General Wickersham, October 19, 1911.

⁵²District Attorney Fredericks to Walter Drew, September 29, 1911.

⁵³Walter Drew to Assistant Attorney-General William Harr, October 20, 1911.

⁵⁴Attorney-General Wickersham to Oscar Lawler, November 18, 1911.

⁵⁵*Indianapolis Star*, October 28, November 8, 1911.

⁵⁶Attorney-General Wickersham to United States Attorney McCormick, November 17, 1911, Department of Justice file 156777, National Archives.

⁵⁷Adamic, *Dynamite*, p. 244.

⁵⁸William J. Burns, *The Masked War* (Reprint ed.; New York: Arno Press, 1969), p. 40.

⁵⁹Oscar Lawler to Attorney-General Wickersham, October 23, 1911, Department of Justice file 156777, National Archives.

⁶⁰Harrison Gray Otis to William Howard Taft, April 10, 1911; William Howard Taft to Harrison Gray Otis, April 17, 1911, William Howard Taft Papers, Manuscript Division, Library of Congress, Washington, D.C. (Notes 61-64 are derived from this source.)

⁶¹William Howard Taft to Walter L. Fisher, March 9, 1911.

⁶²Harry Chandler to Harrison Gray Otis, May 30, 1911.

⁶³Harrison Gray Otis to William Howard Taft, October 12, 1911.

⁶⁴Harrison Gray Otis to Charles D. Hilles, October 16, 1911.

⁶⁵Oscar Lawler to Attorney-General Wickersham, October 23, 1911, Department of Justice file 156777, National Archives.

⁶⁶Walter Drew to Assistant Attorney-General William Harr, October 17, 1911. *Ibid.*

⁶⁷Agent Sloan to John M. Wilkie, October 17, 1911 telegram, United States Secret Service General Correspondence File 79880, National Archives.

⁶⁸The author expresses appreciation to Professor Frederick Gass, Department of Mathematics, Miami University for the decoding of the telegram.

⁶⁹*Cincinnati Enquirer*, October 17 and 18, 1911.

⁷⁰*New York Times*, October 17, 1911.

⁷¹United States Attorney Charles W. Miller to Attorney-General Wickersham, November 6, 1911, Department of Justice file 156777, National Archives.

⁷²United States Attorney Charles W. Miller to Attorney-General Wickersham, November 9, 1911. *Ibid.*

⁷³*The Bridgemen's Magazine* (March 1912): 186.

⁷⁴Taft, *The A.F. of L. in the Time of Gompers*, p. 408-409.

⁷⁵*United States vs. Frank M. Ryan et al.*, trial transcript, Box 9, during examination of witness Peter Smith, Huntington Library.

⁷⁶Anderson quoted in "President Gompers' Reply to Walter Drew," *The Bridgemen's Magazine* (February 1913): 68.

⁷⁷Jeffreys-Jones, *Violence and Reform in American History*, p. 76.